

JANUARY 7, 1828.

Read twice, and committed to the committee of the whole House
to-morrow.

A BILL

To enable the holders of incomplete French and Spanish titles to lands within that part of the late province of Louisiana, which is now comprised within the limits of the state of Missouri, to institute proceedings to try the validity thereof, and to obtain complete titles for the same, when found to be valid.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That*
3 *it shall and may be lawful for any person, or persons, or their*
4 *legal representatives, claiming lands in that part of the late*
5 *province of Louisiana, which is now included within the li-*
6 *mits of the state of Missouri, by virtue of any incomplete*
7 *French or Spanish concession, warrant, or order of survey,*
8 *legally issued, in conformity to the laws and ordinances of*
9 *the French or Spanish governments for issuing the same, and*
10 *which might have been perfected if the government had con-*
11 *tinued, and which were issued before the tenth day of March,*
12 *one thousand eight hundred and four, and during the time*
13 *that the said French and Spanish authorities, respectively,*

14 were in the actual possession of the province of Louisiana,
15 and which concession, warrant, or order of survey, has been
16 duly registered before the tenth day of March, one thousand
17 eight hundred and four, according to the laws, usages, and
18 customs, of the government granting the same, or shall have
19 been duly registered since the said tenth day of March, ac-
20 cording to the provisions of any act of Congress for that pur-
21 pose made and provided; in each and every such case, it shall
22 and may be lawful for such person, or persons, to present a
23 petition to the Judge of the District Court of the state of
24 Missouri, setting forth fully, plainly, and substantially, the
25 nature of his, her, or their, claim to the lands, tenements, or
26 hereditaments, therein described, and particularly stating the
27 date of the concession, warrant, or order of survey, by virtue
28 of which they claim title; also, the quantity claimed and the
29 boundaries thereof, when the same may have been desig-
30 nated by boundaries, by whom issued, and whether the said
31 claim has been submitted to either of the tribunals which
32 have been constituted by law for the adjustment of land ti-
33 tles within the territory now comprised within the limits of
34 the state of Missouri, praying, in said petition, that the vali-
35 dity of such title may be examined into and decided by the
36 court. And the said court is hereby authorized and required
37 to hold and exercise jurisdiction of every petition presented
38 in conformity with the provisions of this act, and to hear
39 and determine the same, according to the evidence which

40 shall be adduced by the petitioner and by the United States,
 41 and in conformity with the principles of justice, and accord-
 42 ing to the laws, customs, and usages, under which the said
 43 claim originated. And it shall be the duty of the United
 44 States' Attorney for the district of Missouri, to take notice
 45 of each petition filed under the provisions of this act, and
 46 to make defence, on all just and proper occasions, in behalf
 47 of the public interest.

1 SEC. 2. *And be it further enacted,* That every petition
 2 which shall be presented under the provisions of this act,
 3 shall be conducted according to the rules of a court of equity,
 4 and tried without any continuance, unless for cause shewn, and
 5 the said court shall have full power and authority to hear and
 6 determine all questions arising in said cause, relative to the title
 7 of the claimants, the extent, locality, and boundaries, of the
 8 said claim, or other matters connected therewith, fit and pro-
 9 per to be heard and determined; and, by a final decree, to set-
 10 tle and determine the question of title, and all other questions
 11 properly arising between the claimants and the United States,
 12 according to the laws and ordinances of the government un-
 13 der which the said claim originated; and the court may, at
 14 its discretion, order disputed facts to be found by a jury,
 15 according to the regulations and practice of the said court
 16 when directing issues in chancery before the same court; and
 17 in all cases the party against whom the judgment or decree

18 of said district court may be finally given, shall be entitled
19 to an appeal, within twelve months from the time of its ren-
20 dition, to the supreme court of the United States, the decision
21 of which court shall be final and conclusive between the parties;
22 and, should no appeal be taken, the judgment or decree of
23 the said district court shall, in like manner, be final and con-
24 clusive.

1 SEC. 3. *And be it further enacted,* That the evidence
2 which has been received by the different tribunals which have
3 been constituted and appointed by law to receive such evi-
4 dence, and to report the same to the Secretary of the Trea-
5 sury, or to the Commissioner of the General Land Office, and
6 the evidence which may have been taken, according to the
7 practice in chancery, or under the local statutes of any state
8 or territory for the perpetuation of testimony, shall be receiv-
9 ed and admitted in evidence on all trials under this act, where
10 the person testifying is dead, or beyond the reach of the
11 court's process; together with such other testimony as it may
12 be in the power of the petitioner, or the United States' attor-
13 ney, to produce, and which shall be admissible according to
14 the rules of evidence, and the principles of law.

1 SEC. 4. *And be it further enacted,* That, in all cases in
2 which evidence shall be offered by the petitioner which has
3 not been received by either of the tribunals constituted by
4 law for that purpose, it shall be the duty of the Attorney for

5 the United States for the district of Missouri, to examine, or
 6 cause to be examined, the witnesses, whether examined in
 7 court or by commission under the authority thereof. And
 8 it shall be the duty of the Commissioner of the General Land
 9 Office, and of the keeper of the records and evidence of the
 10 different tribunals which have been constituted by law for the
 11 adjustment of land titles in the district now comprised with-
 12 in the limits of Missouri, upon the application of the United
 13 States' Attorney for the district of Missouri, or of any other
 14 person interested therein, to furnish copies of such evidence,
 15 certified under his official signature, with the seal of the of-
 16 fice thereto annexed, if there be any seal of office.

1 *SEC. 5. And be it further enacted,* That minors may pro-
 2 ceed under this act by their next friend, and no abatement
 3 shall be worked by the death of any petitioner.

1 *SEC. 6. And be it further enacted,* That any claim to
 2 lands, tenements, or hereditaments, within the purview of this
 3 act, which shall not be brought by petition before the said
 4 court, within two years from the passage of this act, or which,
 5 after being brought before said court, shall, on account of the
 6 neglect or delay of the claimant, not be prosecuted to a final
 7 decision, within three years, shall be forever barred, both in
 8 law and equity; and no other action at common law, or pro-
 9 ceeding in equity, shall ever thereafter be sustained in any
 10 court whatever.

1 **SEC. 7. *And be it further enacted,*** That, upon the final
 2 decision of any claim, prosecuted under this act, in favor of
 3 the claimant or claimants, it shall and may be lawful for such
 4 claimant to demand and receive, from the clerk of the court
 5 in which such final decision is had, a copy of the decree in
 6 his, her, or their favor, under the official signature of the clerk,
 7 and the seal of the court, if any seal belong to it, and to de-
 8 liver the same to the Surveyor General of Public Lands with-
 9 in the state of Missouri, who shall thereupon cause the land
 10 specified in said decree to be surveyed, at the expense of the
 11 party, and duplicate plats and certificates of the survey, so
 12 made, to be returned into his office, one of which shall re-
 13 main in said office, and the other, authenticated by the attesta-
 14 tion and official signature of the Surveyor General, shall be
 15 delivered, on demand, to the party interested therein; and the
 16 same being presented to the Commissioner of the General
 17 Land Office, shall entitle the party interested to a patent
 18 from the President of the United States, releasing any claim
 19 on the part of the United States to said land.

1 **SEC. 8. *And be it further enacted,*** That if, in any case,
 2 it should so happen that the lands, tenements, or heredita-
 3 ments, decreed to any claimant, under the provisions of this
 4 act, shall have been sold by the United States, or otherwise
 5 disposed of, or if the same shall not have been heretofore lo-
 6 cated, in each and every such case it shall and may be law-

ful for the party interested to enter, after the same shall have been offered at public sale, the like quantity of land, in parcels, conformable to sectional divisions and subdivisions, in any land office in the state of Missouri. And if it should so happen that, in making such entries, there should remain, in the hands of the enterer, a fractional excess of acres of less number than the smallest sectional division authorized by law to be sold, it shall and may be lawful for the party interested, to enter, in virtue of such fractional excess, the quantity of one half quarter section, upon paying one dollar and twenty-five cents for each acre contained in such half-quarter section over and above the fractional excess to which he may be entitled by such confirmation. And the register and receiver shall admit, as evidence of the party's right to make such entries, the authentic copy of the final decree of the court, under the official signature of the clerk and seal of the court, if any seal belong to it, accompanied by an official certificate of the Surveyor General of the Public Lands within the state of Missouri, certifying, that the land specified in said decree has been sold by the United States, or otherwise disposed of, or had not been located. And it shall be the duty of the registers and receivers to distinguish carefully between the lands which may be entered under the provisions of this section, and those which may be sold at public or private sale. And no lead mine or salt spring shall be entered under the

32 provisions of this section, unless in satisfaction of a right ex-
33 pressly claimed as such in the petition of the claimant, and
34 expressly decreed in the final decision.

1 SEC. 9. *And be it further enacted,* That in each and every
2 case, in which any claim, tried under the provisions of this act,
3 shall be finally decided against the claimant, and in each and
4 every case in which any claim cognizable under the terms of
5 this act, shall be barred by virtue of any of the provisions con-
6 tained therein, the land specified in such claim shall forthwith
7 be held and taken as part of the public lands of the United
8 States, subject to the same disposition as any other public
9 land in the same district.

1 SEC. 10. *And be it further enacted,* That any person, or
2 persons, or their legal representatives, claiming lands, tene-
3 ments, or hereditaments, within the present limits of the state
4 of Missouri, by virtue of settlement, habitation, or cultiva-
5 tion, made in pursuance of the laws, usages, and customs, of
6 the French and Spanish governments, respectively, during
7 the time either of the said governments had possession of
8 the late province of Louisiana, or any part thereof, or any do-
9 nation or settlement right, recognized, and provided for by
10 any act of Congress, heretofore passed, in relation to such
11 donation or settlement rights, and who had the land, so claim-
12 ed, on the tenth day of March, one thousand eight hundred
13 and four, inhabited and cultivated, on or before the twentieth

14 day of August, one thousand eight hundred and four, either
15 by themselves, or by any other person, or persons, for their
16 use, in all such cases it shall and may be lawful for the claim-
17 ant to present a petition to the said district court, set-
18 ting forth fully, plainly, and substantially, the nature of
19 his, her, or their claim, to such lands, tenements, and here-
20 ditaments, therein described; and particularly stating the
21 time when, as near as may be, the same originated, the quan-
22 tity prayed for, and what steps the claimant had taken, to
23 continue and perfect said claim, and whether the said claim
24 had been submitted to the examination of either of the
25 tribunals, constituted by law for the adjustment of land
26 claims in the late territories of Louisiana and Missouri; and
27 the said court shall take cognizance of, and proceed to hear
28 and determine on, such claims, in the same manner, and un-
29 der the same rules and regulations, as is hereinbefore provid-
30 ed in relation to the other claims, mentioned in the first sec-
31 tion of this act: *Provided*, That not more than six hundred
32 and forty acres shall be granted to any one person, under the
33 provisions of this section: *And provided, also*, That no person
34 shall have a tract of land confirmed under the provisions of
35 this section, who has any other tract of land confirmed by
36 virtue of any French or Spanish grant, concession, warrant,
37 or order of survey.

1 SEC. 11. *And be it further enacted,* That the provisions
 2 of the first section of the act of Congress, of the thirteenth
 3 day of June, in the year one thousand eight hundred and
 4 twelve, in relation to town and village lots, out lots, common
 5 field lots, and commons, in, adjoining, and belonging to, the
 6 several towns and villages therein specified, shall be applica-
 7 ble, and extend to the village of the Mine of Burton, in all
 8 respects, as though the same had been specially named and re-
 9 ferred to in said act, at the passage thereof; and all claims to
 10 town and village lots, out lots, common field lots, and com-
 11 mons, in, adjoining, and belonging to, the several towns and
 12 villages in the said state of Missouri, and which were inhabit-
 13 ed, cultivated, or possessed, on or before the twentieth day of
 14 December, one thousand eight hundred and three, may be
 15 presented and prosecuted to the final hearing and determina-
 16 tion, in the same manner, and subject to the same laws, usages,
 17 customs, rules, and regulations, as other claims to lands
 18 within the said state herein beforementioned.

1 SEC. 12. *And be it further enacted,* That the petitioner
 2 shall, in all cases, be responsible for all the costs which shall
 3 be incurred by the presentation of his petition, and the inves-
 4 tigation and disposition thereof; and the fees and costs to each
 5 of the officers of the court, witnesses, and jurymen, shall be
 6 the same in all cases as are chargeable and taxable for similar
 7 services performed in the circuit courts of the state of Mis-

8 souri, and for which the said court shall enter up judgment,
 9 and award execution accordingly: *Provided, however,* That
 10 no tax shall be chargeable on the process, or any tax fee for
 11 the attorney be charged; and the clerks of the said court may,
 12 on filing the petition, or the court in term time, on good cause
 13 shown, require the petitioner to give security for all the costs
 14 to be incurred in the presentation and prosecution of his said
 15 petition. The clerk of the court, in which the final decree
 16 shall be had, shall be allowed one dollar and fifty cents for
 17 the official copy of such final decree; the surveyor general
 18 shall be allowed one dollar for each of the official certi-
 19 ficates required of him; and the keeper of the records and
 20 evidence ~~taken~~ under former acts of Congress for the
 21 adjustment of land titles, shall be allowed one dollar for
 22 each official copy of evidence furnished by them, to be paid
 23 by the party applying therefor.

1 SEC. 13. *And be it further enacted,* That the inhabitants,
 2 or a majority thereof, of any town or village within the limits
 3 of the state of Missouri, to whom a right to "commons" may
 4 have been expressly confirmed by any act of Congress here-
 5 tofore passed, may present their petition to the judge of the
 6 district court of the state of Missouri, setting forth the nature
 7 of the "common," and referring to the act of Congress by
 8 which it was confirmed, for the purpose of establishing, by
 9 proof, as hereinbefore provided, in the case of private claims,

10 the true boundaries of said "common;" and, on making proof
11 thereof, may and shall have the title thereto perfected in con-
12 formity with the final decree of said court. And, upon the pe-
13 tition of the inhabitants interested, or a majority thereof, the
14 general assembly of the state of Missouri may, in their dis-
15 cretion, at all times hereafter, authorize by law such disposi-
16 tion to be made of any "common" in said state, as such ma-
17 jority of the inhabitants interested may require,

1 SEC. 14. *And be it further enacted*, That, for the pur-
2 pose of carrying into effect the provisions of this act, the judge
3 of the district court for the state of Missouri shall hold his
4 sessions at the two following places, viz: At the town of St.
5 Louis, on the second Monday of June next, and at the town
6 of Jackson, on the fourth Monday of July next, and after the
7 first, and each of the said sessions, he shall thereafter sit
8 upon his own adjournments, at the places aforesaid, until
9 all the business before him shall be completed; of which ad-
10 journment, and the time of holding the special sessions afore-
11 said, public notice shall be given at each of the places afore-
12 said, and at such other places in the said state as he shall di-
13 rect, provided that he may, at either of the places aforesaid,
14 take cognizance and jurisdiction of any claim within the li-
15 mits of the said state; and while so sitting, the said judge
16 shall be clothed with all the powers which shall belong to
17 the federal district court of Missouri, and which shall be ap-

18 plicable to the business depending before him. The clerk of
19 the district court for the state, at St. Louis, shall, ex-officio,
20 be the clerk of the court to carry into effect the provisions of
21 this act; and the said judge shall appoint another clerk, who
22 shall reside at Jackson, and who shall perform the same du-
23 ties, have the same powers, and receive the same fees, in re-
24 lation to the business of the court under the provisions of this
25 act, as the clerk at St. Louis.